

MINUTES
Dentist/Dental Hygienists Licensing Board
January 17, 2003
Room 205
160 E 300 S Heber Wells Bldg
Salt Lake City Utah

Convened: 8:12 a.m.

Adjourned: 10: 22 a.m.

Division Staff Present:

Director of DOPL
Bureau Manager
Board Secretary

J. Craig Jackson
Daniel T. Jones
Lee Avery

Members Present:

Joseph Mirci, DDS, Chairperson
Wade Martineau, DDS, MD
Brent Larson, DDS,
Anna Policelli RDH
John Chambers, DDS
Frances McConaughy, RDH
Lea Erickson, DDS
Warren Woolsey, DDS

Members Excused:

Sue Vicchilli

Guests Present:

Monte Thompson, DDS
Donald Montoya
Steven Steed, DDS
Douglas Grassi, DDS
Sue Dougherty, RDH, MS

TOPIC OF DISCUSSION

Minutes

Discussion:

Appointments:

Dr. John Day - Application Interview

DECISIONS & RECOMMENDATIONS

The November minutes were reviewed and approved with corrections.

Mr. Jones advised the Board Dr. John Day had several concerns regarding the Memorandum of Understanding, (MOU) and the way it is worded. Dr. Day wishes to discuss his concerns with the Board.

Dr. Day presented himself to the Board. Dr Day advised the Board, after reading the MOU, it would not be in his, or his patients best interest to sign the MOU.

Dr. Day stated he has re-taken and passed the Boards. Dr. Day advised the Board, he feels, the only thing the Board should be concerned about is his ability to practice good dentistry and what plans will he put into place to help him get his skills back. Dr. Day stated the fact that his license was revoked should not be an issue with the Board. Dr. Day stated when a new dental student applies for licensure, you trust him to use reason and prudence, and he has not done anything to lead anyone to feel he would not do the same. Dr. Day advised the Board he feels the language of the MOU is unfair. The language of the MOU is the language of someone who's been in trouble. Dr. Day stated he would agree to the first one thousand (1,000) hours he would work with a licensed dentist or in public health. Dr. Day stated his concern with the MOU is the first paragraph and sections seven (7) and eight (8). Dr. Day stated the wrong law was quoted. Dr. Day stated he would agree to working the first one thousand (1,000) hours with another dentist, but not agree to the partial denial. Dr. Day advised the Board it is trying to force him to comply with something he is willing to comply with, and does not mind a MOU with the words like probation or partial denial removed from its content. The Board advised Dr. Day the MOU is a written agreement and if its not adhered to, the Board can then take the appropriate actions. Dr. Day stated if my word isn't any good, then my signature is not either. Dr. Day stated he will spend the first month reviewing records and will need to review the new drugs, however, in the past ten (10) years, there has not been many changes to dentistry. Dr. Mirci advised Dr. Day, the Board will review his concerns and Mr. Jones will contact Dr. Day early next week.

Dr. Mirci reviewed with the Board a report on the ethics course Dr. DeLoach had attended.

Dr. DeLoach presented himself to the Board. Dr. Mirci conducted the interview.

**Dentist/Dental Hygienist Licensing
Board Meeting, January 17,2003
Page 3**

Dr. DeLoach reviewed with the Board the information covered in the ethics course he attended. Dr. DeLoach noted how much this course has benefited him. Dr. DeLoach stated he is still working 3 days a week and Dr. Haslam handles any emergencies Dr. DeLoach may have. The Board noted Dr. DeLoach has completed all requirements of his stipulation, he just needs to finish out his time. Dr. DeLoach has completed just over three (3) years on his probation. Dr. DeLoach advised the Board the office personnel does his billing, he does not get involved in this area. The Board wants to see Dr. DeLoach in May.

In Compliance

Dr. Rod Gardner – Probation Interview

Mr. Jones advised the Board Dr. Gardner is at the Utah State Prison for a ninety (90) day evaluation.

Mr. Jones stated Mrs. Gardner asked if she could speak to the Board.

Mrs. Rod Gardner and Mr. Hal Riser –
requested to meet with the Board

Mrs. Gardner and Dr. Gardner's attorney, Mr. Hal Riser presented themselves to the Board. Mrs. Gardner thank for Board for its patients with Dr. Gardner. Ms. Gardner advised the Board, Dr. Gardner is making steps in his recovery and asked the Board for its continued patients. Mr. Riser advised the Board they have negotiated with Cache County for Dr. Gardner to spend time at the Utah State Prison for a ninety (90) day evaluation. Dr. Gardner is scheduled to return to drug court on March 4, 2003. Mr. Riser stated Dr. Gardner will remain in counseling and completing drug screens through drug court. Dr. Gardner has written a letter to the Board stating he will not practice until after he meets with the Board and obtains its approval.

The Board states it would like to see the results of the evaluation before deciding if Dr. Gardner should surrender his license.

**Dentist/Dental Hygienist Licensing
Board Meeting, January 17,2003
Page 4**

Dr. Norman Barber – Probation Interview

Dr. and Mrs. Barber presented themselves to the Board. Ms. McConaughy conducted the interview. Dr. Barber advised the Board things are going ok with him. His practice is doing very well.

Dr. Barber stated he is working four (4) days a week and there has been no change in his employees. Dr. Barber advised the Board, Mrs. Barber is his office manager. Dr. Barber asked if he could meet with the Board every nine (9) months, instead of six (6). After discussing this in detail the Board decided to have Dr. Barber continue to meet with it in another six (6) months and then re-evaluate. The Board will meet with Dr. Barber again in July 2003.

In Compliance

Discussion:

ADA Letters

Mr. Jones gave the Board letters he had received from the ADA, for its review, regarding testing centers. Dr. Woolsey stated he would be interested in attending.

AADE – Dr. Lea Erickson

Dr. Erickson advised the Board the AADE is looking to appoint someone to its Board and let her know of anyone who is interested in the appointment.

Oral Sedation – Dr. Wade Martineau

Dr. Martineau expressed concern regarding the dental practice act and the fact there is no information regarding oral sedation. The Board discussed this and felt this needs to be searched and discussed further. Dr. Martineau volunteered to search this for discussion at the Board meeting in February 2003.

Dental Assistant Schools

The Board briefly discussed the programs in Utah for Dental Assistants to attend. Davis Applied Technology in Farmington, Applied Technology Center's in Logan and Provo and a couple of private schools in Salt Lake.

**Dentist/Dental Hygienist Licensing
Board Meeting, January 17,2003
Page 5**

Educational Interviews – Dr. Joseph Mirci

Dr. Mirci advised the Board some concerns he had regarding educational interviews. Dr. Mirci suggested the Board require individuals who are brought before the Board for an educational interview be asked to bring in documentation of their continuing education. The Board discussed this and felt it was a very good idea.

Next Board Meeting:

Next Meeting February 21, 2003 8:00 am

Date Approved

Chairperson, Dentist & Dental Hygienist Licensing
Board

Date Approved

Bureau Manager, Div. of Occupational & Professional
Licensing